IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17713 of 2004

Between:

1. The Sub-Divisional Inspector, Postal, Sub-Division, Vuyyuru, Vuyyuru.

2. The Senior Superintendent of Post Offices, Vijayawada Postal Division, Vijayawada.

3. The Post Master General, Vijayawada Region, Vijayawada.

..... PETITIONERS

AND

K. Mattaiah, S/o. K. Koteshwara Rao, aged 30 years,
EDMC/DA of Chodavaram B.O in account with Penamaluru S.O Under Buckinghampet HO of Vijayawada Postal Division, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue preferably a Writ in the nature of Certiorari or any appropriate Writ order or direction, calling for the records pertaining to O.A.No.1575 of 2001, dt. 19-04-2004 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench,

Hyderabad, and quash the same.

Counsel for the Petitioner: MR.A.RAJASHEKAR REDDY (SC FOR CG)
Counsel for the Respondent:

The Court at the stage of admission made the following :

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

The petitioner is challenging the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.1575 of 2001 dated 19.04.2004.

2. The notification, issued for appointment of EDMC/DA on regular basis, was assailed before the Central Administrative Tribunal, Hyderabad by the respondent herein. The respondent was appointed on provisional basis by order dated 10.10.1997 with effect from 7.10.1997. When a notification for filling up the said post on regular basis was issued, he applied for the same, but he, however, challenged the same on the ground that he has been working for the last 4 years and his case shall be considered.

3. After hearing the parties, the learned Tribunal upheld the validity of the notification, but however, observed as follows:

> **"However, we make it clear that the service the applicant has completed more than 3 years, in case he is not selected for appointment, his name shall be enlisted in the thrown out waiting list and his case for regular absorption shall be considered in terms of DGP & T letter No.43-4/77-pen, dated 18.5.1979 and Circular No.19-34/99-ED & Trg., dated 30.12.99."**

Assailing the said observation, the present writ petition has been filed. The learned Central Government Standing Counsel however submits that the circulars referred to dated 18.5.1979 and 30.12.1991 are not applicable to the present case of the petitioner. Therefore, the

question of consideration in the light of the above circulars would not arise. We cannot adjudicate on this aspect inasmuch as it is open for the petitioner to seek review or clarification of the order before the Tribunal. Under these circumstances, we do not find it proper to admit the writ petition at this stage.

4. Accordingly, the writ petition is dismissed at the admission stage leaving open to the petitioner to seek proper clarification or review before the Tribunal.

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(G.BIKSHAPATHY,J)

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(P.S.NARAYANA,J)

Date: 22nd November 2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Sub-Divisional Inspector, Postal, Sub-Division, Vuyyuru, Vuyyuru.

2. The Senior Superintendent of Post Offices, Vijayawada Postal Division, Vijayawada.

3. The Post Master General, Vijayawada Region, Vijayawada.

4. The Registrar, Central Administrative Tribunal, Hyderabad.

5. Two CD copies.